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February 25, 2014

By Overnight Mail

Mr. Lance Nixon
Mr. Marvin Benton
United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Re: Cedar Chemical Corporation Superfund Site, West Helena, Phillips County, Arkansas

Gentlemen:

We write on behalf of ExxonMobil Chemical Company ("ExxonMobil") in response to the Special Notice Letter from Carl Edlund, P.E., dated December 31, 2013 (which was received by ExxonMobil on January 15, 2014), regarding the Cedar Chemical Corporation Superfund Site (the "Site") as well as EPA's CERCLA 104(e) information request (the "Request") received by ExxonMobil on or about October 4, 2012, regarding the Site. As we have previously discussed, and to assist EPA in its ongoing work, please find enclosed a CD containing documents regarding potentially responsible parties ("PRPs") who did not receive the Special Notice Letter. These PRPs include (1) BASF, (2) BF Goodrich, (3) BP Petroleum (successor to Chemlink Petroleum Inc.), (4) DuPont, and (5) FMC.

The documents establish that all of the unnamed PRPs conducted a material volume of business with the Site that resulted in the generation and disposal of hazardous substances. To provide just a few examples:

- Chemlink Petroleum Inc., a subsidiary of Atlantic Richfield (which was acquired by BP Petroleum) – Chemlink may have been responsible for more than 10% of the Site's revenue in the early 1980s. See EXXONMOBIL 013424 (1985); EXXONMOBIL 013532 (1984); EXXONMOBIL 013603 (1983); EXXONMOBIL 013658 (1982). Chemlink exercised enough control at the site to direct Vertac to hire additional personnel to meet Chemlink's upcoming production requirements in 1984. See EXXONMOBIL 015002. Indeed, the Site appears to have had a dedicated "ARCO Production Clerk." See EXXONMOBIL 014905. Chemlink knew and



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allowed the Site to lose as much as 1% of inventory per year. *See* EXXONMOBIL 014939. Records at the Site may not be complete because Chemlink asked Vertac to "purge" its files of references to "FLO" manufacture that occurred between 1980 and 1986. *See* EXXONMOBIL 014953.

- **DuPont** – Cedar Chemical made "Product 10" for DuPont using DuPont's processes and plant design. DuPont also provided instructions for washing drums to clean them and calling for the disposal of wastewater in the lagoons. *See* EXXONMOBIL 015279 (1975); EXXONMOBIL 015403 (1975); EXXONMOBIL 015808 (1976). DuPont cautioned Vertac against allocating resources to waste treatment instead of improving production efficiency and did not want Vertac "putting additional material into Pollution Controls." *See* EXXONMOBIL 015810 (1976). Likewise, DuPont's process description for Lannate manufacturing at the Site expressly noted that Vertac needed to dispose of three liquid waste streams. *See* EXXONMOBIL 015980 (1975). In later agreements, DuPont retained the right to veto the Site's waste disposal contractors and disposal locations. *See* EXXONMOBIL 015991 (1985).
- **BASF** – BASF had an option for up to 3,000,000 lbs. of the Site's production capacity and used the Site to manufacture at least 640,000 lbs. of herbicide. *See* EXXONMOBIL 002236 (1976). In 1973, Site correspondence indicates that BASF's products stored at the site were leaking. *See* EXXONMOBIL 021349. J.A. Williams, a former President of Helena Chemical Company, testified that in the early 1970s, the Site was manufacturing dinoseb products for BASF to be sold under a BASF trade name. *See* EXXONMOBIL 021351.
- **FMC** – FMC had toll agreements with the site during the early 1990s. *E.g.*, EXXONMOBIL 003394 (1993). One agreement was for the manufacture of "DV acid chloride." *See* EXXONMOBIL 003418 (1992). FMC provided a detailed, 100-page instruction manual setting forth the operations necessary to manufacture DV acid chloride. *See* EXXONMOBIL 021403 (1993). By August of 1993, wastewater streams from FMC-related production were proving difficult for the Site to manage. *See* EXXONMOBIL 021545.
- **BF Goodrich** – Site correspondence confirms that BF Goodrich knowingly stored at least one leaking container at the Site for years. *See* EXXONMOBIL 017678 (1995). Like FMC, BF Goodrich required that its products be manufactured according to clear standards dictated by BF Goodrich. *See* EXXONMOBIL 021583 (1991). BF Goodrich had personnel on-Site to monitor production of their products. *See* EXXONMOBIL 021621 (1991).

All of these unnamed PRPs had connections to the Site that appear to be similar to, if not greater than, ExxonMobil, both in terms of degree-of-control and volumes produced. If EPA concludes that these companies are not PRPs, then ExxonMobil respectfully requests that EPA apply the same standards to ExxonMobil and withdraw the Special Notice as to ExxonMobil.

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Cordially,

QUATTLEBAUM, GROOMS,
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Enclosure

cc (via regular mail):

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